



**CITY OF SUNNYVALE  
REPORT  
Planning Commission Hearing**

**March 6, 2006**

**SUBJECT: 2005-0027** – City of Sunnyvale Study Issue: Consideration of Places of Assembly and Recreation Uses in Commercial and Industrial Zoning districts.

**REPORT IN BRIEF**

The dramatic decline in industrial property values in the past several years, together with a concurrent increase in residential property values, has resulted in places of assembly and commercial recreation users abandoning residential and commercial sites and seeking vacant buildings in industrially zoned areas. The large number of recent applications could significantly reduce the amount of land area available for traditional industrial uses which provide jobs for residents and tax base to support City services. Furthermore, inherent incompatibilities between industrial and assembly/recreation uses could lead to conflicts which would be detrimental to both types of uses.

This Study Issue was initiated by staff to determine appropriate locations for needed places of assembly and recreation uses while protecting the integrity of industrial neighborhoods. It was ranked # 6 by the City Council in December 2004.

Staff recommends that the City Council:

1. Adopt a policy regarding locations of Places of Assembly and Recreation uses, which will be incorporated into the Land Use and Transportation Element of the General Plan in its next revision.
2. Amend Title 19 of the Municipal Code (Zoning) to create a Combining District for the M-S Industrial zone where Places of Assembly and Recreational uses are permitted, to amend the definitions and use table to designate the specific zones where various types of Places of Assembly and Recreation uses are permitted, and to provide locational criteria for Places of Assembly and Recreation uses in commercial zones.
3. Initiate rezoning of specific properties in residential areas where current Places of Assembly are located in order to preserve these sites for such uses.
4. Initiate rezoning of specific sites in the M-S industrial areas to apply the Combining District for Places of Assembly and Recreation uses.

**BACKGROUND**

City Council ranked the Study Issue regarding "Places of Assembly" and "Recreation" uses in industrial and commercial zoning districts #6 for the 2005 calendar year. The study issue was initiated by staff after a noticeable increase in applications for non-traditional uses in these zones.

On September 20, 2005, the City Council enacted an interim zoning ordinance which placed a 45-day moratorium on "Places of Assembly- Community Serving" uses in Industrial and Commercial Zoning Districts and on "Amusement and Recreation" uses in Industrial Zoning Districts. On October 25, 2005, the City Council extended the moratorium until the end of March 2006, or the completion of this study (whichever comes first).

The issue of where Places of Assembly and Recreation uses should be located has become a more pressing issue due to several factors. First of all, there appears to be more interest in providing these uses in the city than can be accommodated in existing facilities. Historically (but with exceptions), "Places of Assembly- Community Serving" uses have been located in residential areas of the city. The lack of available and affordable land in these residential areas has required religious groups, community organizations and businesses interested in providing these types of Places of Assembly uses to look outside residential areas. In addition, some of the existing Places of Assembly uses located on residentially-zoned property have been looking to sell the property because of its high value, with the intention of relocating their organization to non-residential areas.

There has also been a recent increase in locating recreational uses in industrial areas. Part of the reason for this interest is because of the increase in relatively large uses, such as indoor soccer and basketball facilities, which have difficulty finding sufficient-sized buildings in commercial areas.

The combination of the two trends has resulted in a significant increase in interest for locating such uses in the industrial areas. There were only five applications for Places of Assembly, entertainment and recreation uses in industrial areas from 1995 through 2001. Since 2002, the number of applications has increased dramatically to 36, 14 of which were in 2005 alone. In addition to these applications, staff has been responding to an average of 11 inquiries per week related to these types of uses in industrial areas.

The City's current codes, General Plan and policies do not adequately address this recent change in land use pattern, and project applicants are not given clear direction from staff on the acceptable locations, uses and situations which would allow a project to be approved. The main purpose of this study issue is to clarify the City policies so these types of uses can be accommodated

within the city while maintaining compatibility among land uses and preserving an appropriate balance among various land use types.

Approximately 120 Places of Assembly and 45 Recreational and Amusement uses are located throughout the city. A map noting current locations and the range of assembly and recreational uses throughout the city is included in Attachment B. Although the focus of this study is on commercial and industrial properties, it is evident that these uses have historically been capable of locating within any neighborhood. The uses are categorized by certain common attributes (i.e. recreational, educational, religious, etc.); however, each use could be considered unique in many aspects of its operation.

## **EXISTING POLICY**

### **GENERAL PLAN**

The General Plan is a set of goals and policies to achieve the long-term vision of the community. The Land Use and Transportation Element contains a map to separate the City into three basic land uses types (Residential, Commercial, and Industrial). The Land Use and Transportation Element acknowledges the importance to provide a diverse mix of public and quasi-public uses within appropriate neighborhoods throughout the City.

### **Land Use and Transportation Element**

**GOAL N1** PRESERVE AND ENHANCE THE QUALITY CHARACTER OF SUNNYVALE'S INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL NEIGHBORHOODS BY PROMOTING LAND USE PATTERNS AND RELATED TRANSPORTATION OPPORTUNITIES THAT ARE SUPPORTIVE OF THE NEIGHBORHOOD CONCEPT.

**Policy N1.1** Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

**Action Statement N1.1.1** Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

**Policy N1.14** Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

Additional statements from the City's General Plan that relate to this concept are included in Attachment F.

## **ZONING**

The current Zoning Code identifies the following as Places of Assembly (See definitions in Attachment G).

- Places of Assembly – Community Serving
- Places of Assembly – Business Serving
- School, Commercial or Trade

Recreation uses are included in one use category:

- Amusement and entertainment enterprises

These uses are presently permitted through discretionary review in many zoning districts as demonstrated in Attachment H.

The current Zoning Code definitions of Places of Assembly and Recreation are not used consistently for all zoning designations. The result is that some Zoning Districts describe uses differently than others.

## **DISCUSSION**

In recent years the value of residentially zoned land has increased dramatically. At the same time, the value of industrially zoned land has plummeted. Places of assembly which can no longer find and afford sites in residential areas have been increasingly identifying desirable sites and buildings in industrial areas. Indeed, the land value differential has become so great that some places of assembly located on residentially zoned sites are selling their sites for residential development and moving into low-cost industrial space.

## **ISSUES**

### **Lack of Available Sites for Places of Assembly and Recreation Uses**

Places of assembly and recreation uses, including religious institutions, community centers, trade schools and sports clubs, are finding it increasingly difficult to locate adequate sites and buildings in Sunnyvale. These uses are often operated by non-profit organizations which have limited income and which cannot afford to purchase or lease residential sites or prime commercial sites.

### **Loss of Industrial Land**

The General Plan identifies those areas of the city which have been determined to be necessary and appropriate for industrial development over the long-term future. The Plan also identifies those industrial areas which should be converted from industrial to residential when the real estate market is supportive of such conversion. The Zoning Map implements the General Plan

by designating long-term industrial areas as M-S, M-3, MP-T, MP-I, MP-C and by designating conversion areas as ITR (Attachment O). Through these designations, the City has set forth a policy regarding conversion of excess industrial land, and has identified those areas which should remain industrial. The location of non-industrial uses in the latter areas gradually reduces the land area which the General Plan has determined to be necessary for industrial uses.

### **Erosion of Integrity of Industrial Areas**

Perhaps more important than the absolute loss of industrial land is the potential erosion of the integrity of industrial areas. The unplanned and arbitrary location of individual places of assembly within industrial areas erodes the integrity of the area for industrial uses. New industrial uses may shy away from sites adjacent to such uses for reasons of environmental incompatibility (discussed below), reducing the overall attractiveness of the area for industry. The effect on industrial land, therefore, extends well beyond the actual site taken over by the Place of Assembly.

A position paper written in January of 2004 and published by the Silicon Valley Leadership group (formerly known as the Silicon Valley Manufacturing Group) notes how the encroachment of non-industrial uses impacts established industrial uses: "the requirements of certain environmental regulations usually become more stringent, affecting the facility by adding to their regulatory and engineering costs through more stringent design criteria, and imposing more restrictive operating conditions"<sup>4</sup>. (See Attachment J)

### **Environmental Incompatibility**

The main reason that industrial uses have been separated through zoning from other land uses is because industries often use processes involving hazardous materials, noise and glare which would be dangerous or uncomfortable to non-industrial uses located nearby. The permitting of places of assembly in industrial areas exposes those persons who assemble to these potential dangers and disturbances. This is particularly important if the places of assembly serve children or elderly (described in State law as "sensitive receptors") who may not understand the risks of being in the area and may not be able to respond as alertly as working adults to emergency evacuations.

The inherent incompatibility between the two uses also affects the industrial uses. Under State law, when a new or existing business seeks to locate in Sunnyvale, they are required to disclose any hazardous materials that are being utilized on the site to the City. Additionally, they may be required to disclose any necessary safety controls or applicable information as determined

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<sup>4</sup> Silicon Valley Manufacturing Group – Non-Industrial Uses in or Near Industrial Zones – page 2

by the City's Hazardous Materials Division related to this activity. If it is determined that these activities have potential impacts to nearby sensitive populations, such traditional industrial uses may face significant costs to meet higher building safety standards, insurance premiums increases, disclosure requirements, inventory limitations and other long-term costs.

### **Erosion of Integrity of Retail Centers**

Retail centers can be negatively affected in a manner similar to industrial areas if a place of assembly is located within them in a location and manner which disrupts the flow of shoppers between retail establishments. Small places of assembly can often locate in a retail center without causing such disruption. Larger uses can only avoid such disruption if they are located on a level other than street level, or if they are located on large commercially zoned sites where they are the predominant or anchor use.

### **HOW OTHER CITIES ADDRESS THESE ISSUES**

A chart located in Attachment D demonstrates how neighboring cities (Cupertino, Palo Alto, Mountain View, Campbell, San Jose, Santa Clara, Milpitas, Los Gatos, and Fremont) review similarly defined uses within their jurisdictions. In summary, cities vary on their interpretation of how Places of Assembly and Recreation uses are classified and considered. In most cases, Places of Assembly require some sort of Conditional Use Permit. The Use Permit process varies from city to city, but in each case a public hearing is required. Many neighboring cities are dealing with the similar issue of encroachment of industrial areas by non-traditional uses. Some cities have established regulations to review such proposals while others are only now looking to refine their policies regarding this issue.

Three of the more unique approaches, drawn from the survey of neighboring cities and state-wide research, are described below:

- \* **City of Cupertino:** Evaluates quasi-public uses on a case by case basis to determine if they are complimentary to the site. Applications are reviewed through certain criteria outlined in its General Plan to ensure the healthy co-existence of commercial and office uses with new quasi-public uses. An excerpt of these criteria is included in Page 3 of Attachment D. Cupertino requires a Conditional Use Permit for recreational uses under certain circumstances.

- \* **City of Fremont** established a moratorium in 2003 that prohibited these uses in Industrial Zoned Area and in 2005 established ordinance modifications that allow consideration of these uses under certain circumstances based on the particular type of Industrial Zoning District and/or whether the use contains "sensitive users".

\* **City of Irvine** has established an "Institutional" Zoning District which allows for public and privately owned and operated facilities (hospitals, Schools, religious facilities) and non-profit land uses. Additionally, the City of Irvine allows some institutional land uses in all other zoning districts under established City ordinances and policies. Irvine has established policies that outline "Sensitive Receptors" and has established policies that protect these uses as well as prevent such uses from impacting the operation and/or expansion of certain land uses that are industrial in nature (See Page 4 of Attachment D for more detail).

### **ENVIRONMENTAL/CEQA ISSUES**

For all new development and land use permit applications, an environmental review is undertaken to ensure compliance to the California Environmental Quality Act (CEQA). These impacts must either be determined to be non-existent or insignificant, able to be mitigated through conditions of approval, or acknowledged through a Statement of Overriding Considerations before a project can be approved. Specific environmental issues that can relate to many of the uses outlined in the study include: the proximity to hazardous materials, parking, and circulation and noise impacts.

### **LEGAL ISSUES**

The Federal Religious Land Use and Institutionalized Persons Act (RLUIPA), passed in 2000, prohibits zoning and landmarking laws that: *(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions; (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination; (3) totally exclude religious assemblies from a jurisdiction; or (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.*

This study cannot separate religious uses from other places of assembly when considering new requirements or Zoning restrictions within the City. The result of this study should provide equal oversight to all places of assembly including religious uses. Religious uses will not be treated differently than non-religious uses with similar impacts, nor will religious assemblies or institutions be excluded or unreasonably limited.

### **DEFINITIONS**

The moratorium enacted by City Council on September 20, 2005, applies to the location of "Places of Assembly – Community Serving" and "Amusement and Recreation" uses in Industrial Zoning Districts. Staff has interpreted this ordinance to apply the following three uses defined in Sunnyvale Municipal Code Chapter 19.12 (see Attachment G for current definition):

- Places of assembly – community serving
- Amusement and entertainment enterprises
- School, commercial or trade

It has become apparent to staff that the current definitions of these uses do not distinguish between and among the various uses in a manner which guides their appropriate location within residential, commercial and/or industrial zones. In particular, there is no definition for the type of educational uses which train individuals for recreation or enrichment purposes, such as dance studios and karate studios, which are significantly different in their needs and impacts from larger amusement and entertainment enterprises, such as bowling alleys, roller skating sinks, and athletic clubs. Also, the definition of educational facilities does not distinguish between those for children (sensitive receptors) and those for adults.

#### **OPTIONS FOR ADDRESSING ISSUES**

Staff has identified the following seven options for addressing the issues identified above. Except for those options which are mutually exclusive, they can be combined in a number of ways to create a strategy for locating Places of Assembly and Recreation uses.

##### **Rezone to “Public Facilities” Sites in Residential Areas on Which Major Community Serving Places of Assembly Are Now Located**

Community serving Places of Assembly have traditionally been located in residential areas. The current lack of available sites for such uses is aggravated when an existing use in a residential area decides to sell its site for development of residential. A method to preserve large existing sites for long-term use by Places of Assembly is to rezone those properties to “PF”, Public Facilities, which is reserved for governmental, educational and similar uses. The designation of the “PF” district (S.M0.C. 19.24.020 (b)) could be modified to add “Places of Assembly – Community Serving” to the types of permitted uses. Current Zoning Code permitting procedures allow for many of these assembly uses within this zoning district, but require a Use Permit. Approximately 30 residentially zoned sites are currently utilized as Places of Assembly – Community Serving in the City. Attachment L includes a map and list of residentially zoned sites that could be considered for rezoning to “Public Facilities” (PF). These areas total 40 acres.

##### **Apply a New Combining District to Specific Portions of Industrial Areas Deemed Appropriate for Places of Assembly and Recreation Uses**

Two of the issues identified above are the erosion of integrity of industrial areas and the environmental incompatibility of uses. While these issues might suggest that Places of Assembly and Recreation uses should never be located in



industrially zoned areas, the lack of available sites in non-industrial areas requires consideration of industrial sites for these uses. These issues are less of a problem in some portions of industrial areas than in others. For instance, sites located on a major arterial at the edge of an industrial area raise less concern than sites located in the center of a viable industrial district. If such peripheral areas already contain non-industrial uses or marginal industrial uses, their designation for places of assembly will not significantly reduce land available for industrial purposes.

A Combining District allows the underlying zoning designation to remain, while providing an additional permitted use. Under this option, a new Combining District would be created which would allow Places of Assembly and Recreation uses. Such uses would be prohibited in Industrial zones except where the Combining District is applied. The advantage of using the Combining District is that current and future industrial uses are not affected by the zone change.

Attachment K presents a map and a list of areas which might be considered for rezoning to a new POA Combining District. These potential POA Combining District areas total approximately 234 acres. Over time, other areas might be considered for rezoning through applications initiated by property owners or by staff.

#### **Provide Locational Restrictions on Places of Assembly and Recreation Uses in Industrial Areas**

An alternative approach to a Combining District is to allow such uses in industrial zones but to utilize locational restrictions to guide them to the most appropriate sites. Among possible locational criteria are the following three, which could be applied individually or in combination.

- Allow Places of Assembly and Recreation uses only along main arterials in the industrial areas.
- Require a 1000' separation between a use with "sensitive receptors" and one using hazardous materials.
- Require a buffer between similar uses, such as between Places of Assembly or Recreation uses which have similar hours of operation or peak hours of use.

#### **Refine Definitions and Modify Land Use Tables in Title 19**

The traditional approach to zoning is to define distinct uses and, through a land use table, either permit, prohibit or conditionally permit them in each zoning district. As noted above, current definitions do not adequately distinguish between and among the various types of assembly and recreation uses.

This option would first modify the definitions in Title 19 to overcome the problems cited above. The land use tables would then be amended to include the newly defined uses and indicate for each zoning district if these use are prohibited ("N"), permitted ("P"), or conditionally permitted ("UP" or "SDP").

If this option is applied alone, a policy decision will need to be made as to how such uses will be treated in industrial zones (prohibited, permitted or conditionally permitted). If this option is applied in combination with the option to create a new Combining District, a distinction could be made in the use tables between industrial areas with and without the Combining District. If this option is applied in combination with the locational restrictions option, such uses would be conditionally permitted throughout industrial zones, with the conditions for approval reflecting the selected locational restrictions. If this option is applied in combination with the following option to provide locational restrictions within commercial areas, such uses would be conditionally permitted in commercial zones, with the conditions for approval reflecting the selected locational restrictions.

**Apply a New Combining District to Specific Portions of Commercial Areas Deemed Appropriate for Places of Assembly and Recreation Uses**

One of the issues identified above is the potential erosion of integrity of retail centers if large places of assembly or recreation uses are located in a manner which disrupts the flow of pedestrians between retail establishments. As described above for industrial areas, a combining district could be created for uses in commercial areas. In areas so designated, Places of Assembly and Recreation Uses would be permitted; all other uses permitted in the underlying commercial zone would also be permitted. Places of Assembly and Recreation uses would not be permitted in commercial zones which did not have the Combining District overlay.

**Provide Locational Restrictions for Places of Assembly and Recreation Uses in Commercial Zones**

As an alternative to a Combining District, this option would permit such uses in commercial zones, but locational restrictions would limit large uses in retail centers to locations other than street level, or to locations on large commercially zoned sites where they are the predominant or anchor use.

**Review Each Application for Places of Assembly and Recreation Use on an Ad Hoc Basis (Current Practice)**

This option would make no change to current procedures. The issues identified above would be addressed as each application is reviewed by the staff, Planning Commission and City Council, and approved, denied or approved with conditions as is the case today. The current practice could result in the reduction of an important land use component within the community over time.

**FISCAL IMPACT**

Assembly and recreation uses support neighboring commercial activities by attracting segments of the populations to the area; to the extent that this results in increased sales, the City would realize increased sales tax revenue. The loss of industrial and commercial uses to certain assembly and recreational uses can result in a loss of property tax and sales tax revenue for the City.

**CONCLUSION**

City policies do not currently give clear direction for the variety of Places of Assembly and Recreation uses that are interested in locating in commercial and industrial areas of the city. The importance of preserving the city's commercial and industrial neighborhoods to operate efficiently and succeed should be balanced with providing sufficient opportunities for assembly and recreational uses in the community. As Sunnyvale's population continues to expand in new locations, the need to find appropriate locations becomes more essential to a healthy community. The goal of the study is to accommodate Places of Assembly and Recreation uses through policies and processes to assure they are appropriately located. Staff has evaluated a number of strategies to address appropriate locations for such uses and has identified seven options as potentially appropriate tools to achieve a balance of providing adequate opportunity for these uses while preserving industrial/commercial neighborhoods.

**PUBLIC CONTACT**

Two public outreach meetings were held during the afternoon and evening of January 12, 2006. Notices were sent to existing places of assembly and recreation within the City including religious uses, schools, gyms, social and community organizations, and other amusement enterprises. Additional notices were sent to neighborhood associations, various business owners (industrial & commercial) and interested parties. Information was also published on the City's website and appeared in the January 2006 *Quarterly Report* and the Winter 2006 Sunnyvale Business Page which is mailed to all business license holders, the Chamber of commerce and other interested parties. The Business page is available at key public locations library, Community Center, NOVA, and Senior Center and is emailed to business representatives.

A total of approximately 50 persons attended the two meetings, representing primarily Places of Assembly and Recreation uses. Consistent concerns were raised at each meeting. It was noted that the availability of specific properties in industrial areas often dictated proposed locations. The strategy to re-zone

existing sites in residential areas was not rejected, but it was stated that the size of the facilities in these locations may not be sufficient to that desired by the user. Although there seemed to be a consensus for a more refined policy, there was a concern that additional regulations would limit further opportunities within the city. Others that attended noted that each use should be considered separately and specific to the situation (as under current regulations). Attendees indicated that many assembly uses support neighboring uses and that they differ with regard to whether they support local or regional populations. It was also noted that although new permitting regulations regarding the disclosure of hazardous materials seemed like a good idea, this type of information may be problematic or difficult to obtain from surrounding industrial uses.

A Planning Commission Study Session was held on January 23, 2006. During the study session, Commissioners noted the importance of establishing new policies that protect the industrial neighborhoods for their intended uses. A preference to rezone existing quasi-public sites to the Public Facilities Zoning District was noted. Additionally, Commissioners noted that certain arterials may be appropriate for such uses if they are not overly concentrated; however, the establishment of a required buffer distance to separate such uses may not be the most suitable strategy.

Public notices for the Planning Commission and City Council Hearings were also sent to those listed above. A City Council Meeting is scheduled for March 7, 2006.

## **ALTERNATIVES**

### **Alternative 1:**

- A. Adopt attached policy (Attachment M) regarding location of Places of Assembly and Recreation uses, which policy should be incorporated into the Land Use and Transportation Element of the General Plan in its next revision.
- B. Introduce attached ordinance (Attachment N), which implements the following:
  - i. Creates a new combining District (POA) to permit Places of Assembly and Recreation Uses in designated areas within the Industrial and Service (M-S) zoned areas.
  - ii. Provides locational criteria for Places of Assembly and Recreation uses in commercial districts (C-1, C-2, C-3)
  - iii. Refines definitions and modifies the use tables in Title 19 of the Sunnyvale Municipal Code to add the POA Combining District and to indicate in which districts each of the types of Places of Assembly and Recreation uses are permitted.

- C. Initiate rezoning study of properties identified in Attachment K to M-S/POA Combining District.
- D. Initiate rezoning study of residential sites identified in Attachment L, on which Community Serving Places of Assembly are now located, to "PF" Zoning District

**Alternative 2:** Alternative 1 with modifications

**Alternative 3:** No change to the existing ordinance and policy

### **RECOMMENDATION**

Staff recommends Alternatives 1, to adopt modifications to the Sunnyvale Municipal Code related to refined definitions and use tables, to adopt a specific policy on locating these uses, to initiate rezoning specific properties to a POA Combining District and to rezone existing Community Serving Places of Assembly in residential areas to the Public Facility (PF) Zoning District.

Alternative 1 includes proposed changes to the definitions for each type of Place of Assembly and Recreation use. These changes will create consistent terminology and will apply to all zoning designations, which will clarify the decision-making process. Alternative 1 also includes a combination of five of the seven options considered that will provide adequate opportunities for location of Places of Assembly and Recreation uses, while protecting the integrity of viable industrial neighborhoods and retail shopping centers.

Staff believes that rezoning existing large sites in residential areas where Community Serving Places of Assembly are located to "PF" will preserve the existing supply of land available for such uses. While it is possible that other sites in residential neighborhoods could be rezoned "PF" for new Place of Assembly uses in the future, it is highly unlikely that existing residences will be redeveloped for such purposes. Therefore, in order to provide sufficient opportunities for Places of Assembly and Recreation uses in the future, sites must be made available in industrial and commercial zones. The POA Combining District will provide appropriate sites in industrial areas where such uses are likely to have minimal negative effect on the integrity of the industrial area. Similarly, the locational restrictions in Commercial zones will allow such uses to find locations within Commercial zones without negatively impacting the integrity of existing retail centers.

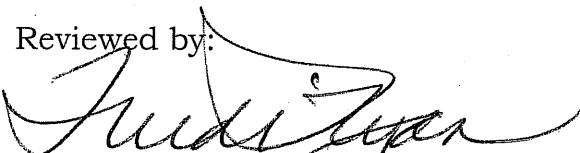
With regard to industrial areas, staff recommends the POA Combining District option over the locational restrictions option because it will better preserve the integrity of vital industrial areas. Industrial areas throughout the city vary in size, shape, and mixture of uses. It would be difficult to develop locational restrictions that would apply equally well in all areas. The designation of

specific locations where Places of Assembly and Recreations uses may locate on the edges of M-S zones will steer applicants away from acquiring sites in the heart of industrial areas. Staff recommends POA locations only in the M-S zone, because the M-3 zone permits general industrial and manufacturing which would always be incompatible with Places of Assembly and Recreation uses. The one exception is Business Serving Places of Assembly (e.g., union halls), which staff recommends be permitted in both industrial districts without the Combining District overlay.

With regard to commercial areas, staff recommends the locational restrictions option over the Combining District option. Smaller "storefront" Places of Assembly and Recreation uses can locate in retail centers without interrupting the flow of pedestrians between shops. Larger such uses, which would disrupt the flow of pedestrians, would be limited to levels other than street level in retail centers, or to large sites where they would be the predominant or anchor uses. Staff believes the Combining District option to be less desirable, since it would be difficult to predict and restrict the leasing patterns of retail centers.

No action (Alternative 3) would maintain the current situation, wherein Places of Assembly and Recreation uses are permitted in residential, commercial and industrial areas through a Use Permit. As long as industrial land values remain low, such uses would tend to choose vacant buildings throughout industrial areas. Applicants would have little guidance through zoning, and the Planning Commission and City Council would continue to have little policy to guide them in making what amounts to "ad hoc" decisions on an application by application basis.

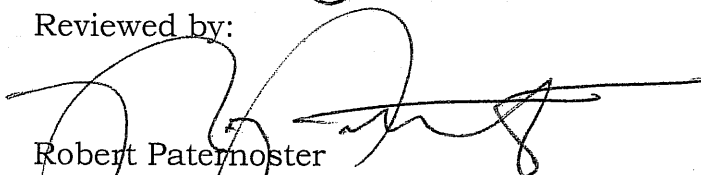
Reviewed by:



Trudi Ryan, Planning Officer

Prepared by: Ryan Kuchenig, Assistant Planner

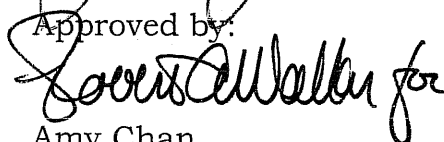
Reviewed by:



Robert Paternoster

Director of Community Development

Approved by:



Amy Chan

City Manager

**Attachments**

- A. Study Issue paper
- B. Map of Assembly and Recreational Uses in Sunnyvale
- C. Negative Declaration
- D. Other City regulations related Places of Assembly and Recreation
- E. Parking Requirements for Places of Assembly and Recreation
- F. General Plan Goals and Policies
- G. Current Definitions of Assembly and Recreational Uses & Exclusionary Zoning
- H. Current Use Tables by Zoning Ordinance
- I. Proposed Use Table by Zoning District
- J. Silicon Valley Manufacturing Group Policy Statement
- K. Map and List of Possible (POA) Combining District Locations
- L. Map and List of Sites on which Places of Assembly – Community Serving” are located for consideration for rezoning to “PF” Zoning District.
- M. Draft Policy
- N. Draft Ordinance
- O. Zoning Map (M-S, M-3, MP-I, MP-C, MP-T, and ITR areas shown)